

APPEAL NO. 021272  
FILED JULY 10, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 24, 2002. The hearing officer decided that the great weight of the other credible medical evidence is contrary to the designated doctor's report on the issue of the respondent's (claimant) impairment rating (IR), and that the claimant's IR is 25% per his treating doctor's certification. The appellant (carrier) appealed. The file does not contain a response from the claimant.

DECISION

Affirmed.

Section 408.125(c) provides that when there is a dispute as to IR, the report of the designated doctor shall have presumptive weight, and the Texas Workers' Compensation Commission (Commission) shall base the IR on that report unless the great weight of the other medical evidence is to the contrary. If it is found that the great weight of the other medical evidence is contrary to the Commission-selected designated doctor's IR, the Commission shall adopt the IR of one of the other doctors. The hearing officer determined that the designated doctor's IR was against the great weight of the other medical evidence because the great weight of the other medical evidence established that the claimant has specific disorder(s) of his lumbar spine and range of motion deficits relative to his medically documented injury of \_\_\_\_\_. As such, the hearing officer adopted the treating doctor's IR.

The extent of an injury is a factual determination for the hearing officer to resolve. Conflicting evidence was presented as to the exact nature and extent of the claimant's underlying compensable lumbar injury. The designated doctor clearly believed that the objectively documented lumbar abnormalities were degenerative in nature and were not aggravated by the injury in question to the level of being compensable. The hearing officer reviewed the evidence and determined that the claimant's lumbar injury included documented abnormalities and should have been rated. Nothing in our review of the record indicates that the hearing officer's decision is so against the great weight and preponderance of the evidence so as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

**C T CORPORATION  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Daniel R. Barry  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge